

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Joseph Peter Schmitt

Plaintiff,

v.

Civil Action No. 05-11348-NG

Robert Murphy, et al.,

Defendants.

ORDER ON MOTION TO RECONSIDER DENIAL OF
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

Now before the Court is plaintiff's motion for reconsideration of plaintiff's application to proceed without prepayment of fees and affidavit under 28 U.S.C. § 1915:

The application to proceed without prepayment of fees is:

- ☐ GRANTED.
- ☒ DENIED for the following reason(s):

The motion for reconsideration is hereby denied for the reasons substantially set forth in the court's Order dated August 26, 2005. Petitioner has sufficient income to pay the \$250 filing fee for this action and the motion for reconsideration is devoid of information which would suggest otherwise. Petitioner must pay the \$250 filing fee within 42 (forty-two) days or this action will be dismissed.

- ☐ The Clerk shall return the complaint to the undersigned for screening on the merits pursuant to 28 U.S.C. §§ 1915(e)(2) and summonses shall NOT issue pending the completion of screening on the merits.
- ☐ The Clerk shall issue summonses and the United States Marshal shall serve a copy of the summons, complaint, and this order upon defendant(s) as directed by plaintiff with all costs of service to be advanced by the United States.

SO ORDERED.

12/29/05
DATE

s/ Nancy Gertner
UNITED STATES DISTRICT JUDGE